

REFERENCE TITLE: personal identifying information; recorded documents

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1219**

Introduced by  
Senators Leff, Bee, Blendu; Representative Downing; Senator Tibshraeny;  
Representative Stump

### AN ACT

CHANGING THE DESIGNATION OF TITLE 44, CHAPTER 9, ARTICLE 17, ARIZONA REVISED STATUTES, TO "CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION"; AMENDING SECTIONS 44-1373 AND 44-1373.01, ARIZONA REVISED STATUTES; RELATING TO CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2       Section 1. Heading change

3           The article heading of title 44, chapter 9, article 17, Arizona Revised  
4 Statutes, is changed from "CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS" to  
5 "CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION".

6       Sec. 2. Section 44-1373, Arizona Revised Statutes, is amended to read:

7           44-1373. Restricted use of personal identifying information;  
8                                  civil penalty; definition

9           A. Except as otherwise specifically provided by law, beginning on  
10 January 1, 2005, a person or entity shall not:

11           1. Intentionally communicate or otherwise make an individual's social  
12 security number available to the general public.

13           2. Print an individual's social security number on any card required  
14 for the individual to receive products or services provided by the person or  
15 entity.

16           3. Require the transmission of an individual's social security number  
17 over the internet unless the connection is secure or the social security  
18 number is encrypted.

19           4. Require the use of an individual's social security number to access  
20 an internet web site, unless a password or unique personal identification  
21 number or other authentication device is also required to access the site.

22           5. Print a number that the person or entity knows to be an  
23 individual's social security number on any materials that are mailed to the  
24 individual, unless state or federal law requires the social security number  
25 to be on the document to be mailed. This paragraph does not prohibit the  
26 mailing of documents that include social security numbers sent as part of an  
27 application or enrollment process or to establish, amend or terminate an  
28 account, contract or policy or to confirm the accuracy of the social security  
29 number. In a transaction involving or otherwise relating to an individual,  
30 if a person or entity receives a number from a third party, the person or  
31 entity has no duty to inquire or otherwise determine if the number is or  
32 includes that individual's social security number. The person or entity may  
33 print that number on materials that are mailed to the individual, unless the  
34 person or entity that received the number has actual knowledge that the  
35 number is or includes the individual's social security number. This  
36 paragraph does not prohibit the mailing to the individual of any copy or  
37 reproduction of a document that includes a social security number if the  
38 social security number was included on the original document before  
39 January 1, 2005.

40           B. Notwithstanding subsection A **OF THIS SECTION**, a person or entity  
41 that before January 1, 2005 used an individual's social security number in a  
42 manner inconsistent with subsection A **OF THIS SECTION** may continue using that  
43 individual's social security number in that manner on and after January 1,  
44 2005 subject to the following conditions:

1       1. The use of the social security number must be continuous. If the  
2 use is stopped for any reason, subsection A **OF THIS SECTION** applies.

3       2. Beginning in 2005, the person or entity must provide the individual  
4 with an annual written disclosure of the individual's right to stop the use  
5 of the social security number in a manner prohibited by subsection A **OF THIS**  
6 **SECTION**.

7       3. If the individual requests in writing, the person or entity must  
8 stop using the social security number in a manner prohibited by subsection A  
9 **OF THIS SECTION** within thirty days after receiving the request. No fee or  
10 charge is allowed for implementing the request, and the person or entity  
11 shall not deny services to the individual because of the request.

12      C. This section does not prohibit the collection, use or release of a  
13 social security number as required by the laws of this state or the United  
14 States or for internal verification or administrative purposes.

15      D. Beginning on January 1, 2005, this state or any political  
16 subdivision of this state shall not use an individual's social security  
17 number on state issued or political subdivision issued forms of  
18 identification.

19      E. This section does not prohibit an agency of this state or a ~~county,~~  
20 ~~city, town or other~~ political subdivision of this state from disseminating or  
21 using the last four numbers of an individual's social security number.

22      F. A government agency shall not transmit to an individual material  
23 that contains both an individual's social security number and bank, savings  
24 and loan association or credit union account number. This ~~paragraph~~  
25 **SUBSECTION** does not prohibit the transmitting of documents that include  
26 social security and bank, savings and loan association or credit union  
27 account numbers as a part of an application or enrollment process or to  
28 establish, amend or terminate an account, contract or policy or to confirm  
29 the accuracy of the social security, bank, savings and loan association or  
30 credit union account number.

31      G. **NOTWITHSTANDING SECTION 44-1373.01, PARAGRAPH 3, DOCUMENTS OR**  
32 **RECORDS THAT ARE RECORDED MAY NOT CONTAIN AN INDIVIDUAL'S BIRTH DATE OR PLACE**  
33 **OF BIRTH AND MAY NOT CONTAIN MORE THAN THE LAST FOUR NUMBERS OF AN**  
34 **INDIVIDUAL'S:**

- 35       1. SOCIAL SECURITY NUMBER.
- 36       2. CREDIT CARD, CHARGE CARD OR DEBIT CARD NUMBERS.
- 37       3. RETIREMENT ACCOUNT NUMBERS.
- 38       4. SAVINGS, CHECKING OR OTHER FINANCIAL ACCOUNT NUMBERS.

39      H. ONLY THE ATTORNEY GENERAL OR A COUNTY ATTORNEY, OR BOTH, MAY  
40 COMMENCE A LEGAL ACTION FOR A VIOLATION OF THIS SECTION.

41      I. A PERSON OR ENTITY IS SUBJECT TO A CIVIL PENALTY OF UP TO FIVE  
42 HUNDRED DOLLARS FOR EACH ACT OF RECORDING THAT VIOLATES SUBSECTION G OF THIS  
43 SECTION.

44      J. For the purposes of this section, "individual" means a resident  
45 of this state.

1        Sec. 3. Section 44-1373.01, Arizona Revised Statutes, is amended to  
2 read:

3            **44-1373.01. Exceptions**

4            This article does not apply to:

5            1. The use of social security numbers by the department of revenue or  
6 by a law enforcement agency of this state or a law enforcement agency of a  
7 county, city, town or other political subdivision of this state, except that  
8 these agencies must comply with section 44-1373, subsection A, paragraphs 2  
9 and 5.

10          2. The use of social security numbers by an agency of this state in  
11 its administration of employee payroll, employee benefits and workers'  
12 compensation matters, except that the agency shall comply with section  
13 44-1373, subsection A, paragraphs 1, 2, 4 and 5.

14          3. Documents or records that are ~~recorded or~~ required to be open to  
15 the public pursuant to the constitution or laws of this state or by court  
16 rule or order, and this article does not limit access to these documents or  
17 records.

18          4. An individual's social security number that is printed or caused to  
19 be printed on a document by the individual.

20          5. The use of social security numbers by the industrial commission of  
21 Arizona or an interested party as defined in section 23-901, on documents or  
22 records related to a workers' compensation claim under title 23, chapter 6,  
23 except that the industrial commission or the interested party shall comply  
24 with section 44-1373, subsection A, paragraphs 1, 2, 3 and 4.